

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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Rosalie Soller
Dave Kenneth Soller

(In the space above enter the full name(s) of the plaintiff(s).)

cv 12-0167(SJF)(WDW)
2nd **AMENDED**
COMPLAINT

Jury Trial: ☒ Yes ☐ No

-against-

1. Badge #5972
2. John Doe (2nd policeman)
3. Road Supervisor #436
4. Social Services Representative
5. Suffolk County Police Dept.
6. Suffolk County Police Dept. chief executive

7. County of Suffolk executive
8. County of Suffolk
9. Town of Smithtown

(In the space above enter the full name(s) of the defendant(s). If you cannot fit the names of all of the defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed in the above caption must be identical to those contained in Part I. Addresses should not be included here.)

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I. Parties in this complaint:

- A. List your name, address and telephone number. If you are presently in custody, include your identification number and the name and address of your current place of confinement. Do the same for any additional plaintiffs named. Attach additional sheets of paper as necessary.

Plaintiff:

Name Rosalie Soller and Dave Kenneth
 Street Address 120 Terry Road
 County, City Smithtown
 State & Zip Code NY, 11787
 Telephone Number 1621-724-1545

Soller

- B. List all defendants. You should state the full name of the defendant, even if that defendant is a government agency, an organization, a corporation, or an individual. Include the address where each defendant may be served. Make sure that the defendant(s) listed below are identical to those contained in the above caption. Attach additional sheets of paper as necessary.

1. Badge #5972
 2. John Doe (2nd policeman)
- { 4th precinct
 Sector 412
 Car No. 416
 Hamlet - Smithtown

7 County of
Suffolk executive

Defendant No. 3

8 County of Suffolk
9 Town of Smithtown

Defendant No. 4

Name Road Supervisor #436
Street Address _____
County, City _____
State & Zip Code _____
Telephone Number _____

Name Social Services Representative
Street Address _____
County, City _____
State & Zip Code _____
Telephone Number _____

Defendant No. 5

Name Suffolk County Police Dept.
Street Address _____
County, City _____
State & Zip Code _____
Telephone Number _____

Defendant No. 6

Name Suffolk County Police Dept. chief exec
Street Address _____
County, City _____
State & Zip Code _____
Telephone Number _____

II. Basis for Jurisdiction:

Federal courts are courts of limited jurisdiction. Only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case involving the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one state sues a citizen of another state and the amount in damages is more than \$75,000 is a diversity of citizenship case.

A. What is the basis for federal court jurisdiction? (check all that apply)

☒ Federal Questions

☐ Diversity of Citizenship

B. If the basis for jurisdiction is Federal Question, what federal Constitutional, statutory or treaty right is at issue?

1983 ruling, 4th amendments rights violated,
civil Rts, No one was missing over 24 hrs,
civil liberties were violated, no search warrant

C. If the basis for jurisdiction is Diversity of Citizenship, what is the state of citizenship of each party?

Plaintiff(s) state(s) of citizenship _____

Defendant(s) state(s) of citizenship _____

III. Statement of Claim:

State as briefly as possible the facts of your case. Describe how each of the defendants named in the caption of this complaint is involved in this action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach additional sheets of paper as necessary.

A. Where did the events giving rise to your claim(s) occur?

120 Terry Rd.
Smithtown NY, 11787

B. What date and approximate time did the events giving rise to your claim(s) occur?

January 9, 2009
Started approximately between 3:00pm and 11:30pm

C. Facts: On January 9, 2009 there was banging on outside of house. Two policemen broke down back door and questioned Dave Kenneth for many hours about alleged death of parents. They entered two times without a warrant.

What happened to you?

Who did what?

Was anyone else involved?

Who else saw what happened?

Road Supervisor #436 forcibly broke down back door with policeman. Social Services Representative came to house relating to JAN 9, 2009 incident with a false report. Defendants 5-9 are responsible also and are liable.

IV. Injuries:

If you sustained injuries related to the events alleged above, describe them and state what medical treatment, if any, you required and received.

See enclosed sheets

Rosalie's injuries

1. unlawful entry to my home.
2. traumatized~ accused of being dead or murdered.
3. Police did not have the right to break in and look for my body.
4. Rosalie was unlawfully accused of being missing.
5. Rosalie's house was illegally searched.
6. Emotional trauma due to alleged body missing in my house.
7. I had a bad reaction to son being excessively questioned for many hours without warrants.
8. Bad reaction of people on block being questioned without cause.
9. Trauma for being missing when I'm not missing.
10. Trauma of neighbors thinking I'm allegedly missing and I was not missing.
11. Defamation
12. Damage of police allegedly accusing son about missing parents.
13. Trauma from son allegedly murdering parents.
14. Trauma from son allegedly knowing parents were missing.

~~Personal injuries~~

15. Direct emotional trauma for alleged accusations of son and false imprisonment of him.
16. Mental stress and aggravation of being accused of being murdered.
17. Wrongful accusations of being missing and dead.
18. humiliation of allegedly being missing and murdered.
19. Mental anguish
20. trespassing on my property and inside of my house.
21. harassment
22. Intrusion into my personal life (expect security at home)
23. Distress of returning home and finding my home was broken into
24. emotional injuries
25. Violated constitutional rights
26. Invasion of privacy of house

Dave Kenneth's injuries

1. Pain and suffering
many hours of breaking in.
I believed the intruders would hurt me.
I perceived it as threat.
2. unlawful entry of house.
3. I was confronted in a negative way
when questioning me.
4. Economic loss of money due to
defending myself.
5. Court legal fees and lawyer fees
6. threat to my safety, well being,
recurring entry to home
(2 times without warrant)
7. loss of dance opportunities -
amateur and professional.
8. Illegal search of property
9. Violated constitutional rights
10. 4th amendment rts.
trespasses on person's property,
was not free to leave,
11. unreasonable and false imprisonment
in house.
12. Questioned for something I didn't do "
13. Embarrassed and humiliated
14. the intruders broke into my home
and terrorized me even though
I was innocent.

Dave Kenneth's injuries

15. accused of alleged murder (trauma)
16. Defamation
17. Excessive questioning (many hours)
18. wrongful accusations
19. mental anguish
20. frightening experience (fear persons
breaking in could harm me)
21. harassment
22. unlawfully detained
23. invasion of privacy of home

V. Relief:

State what you want the Court to do for you and the amount of monetary compensation, if any, you are seeking, and the basis for such compensation. _____

1. Punitive damages
2. Compensatory Damage
3. non physical and non medical injuries apply to 1983 case.
4. auxiliary pts
5. liability

Monetary compensation because of unlawful entry, invasion of privacy of house, undue aggravation, violation of our rights, intimidation, false accusations, interruption of alleged murder of being murdered, legal expenses, improper police action, breaking into innocent people's homes and terrorizing them.

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 4th day of May, 2012

Signature of Plaintiff Rosalie Sollow
Dave Kenneth
 Mailing Address 120 TERRA ROAD
SMITHTOWN NY 11787

Telephone Number 631 724-1545

Fax Number (if you have one) _____

Note: All plaintiffs named in the caption of the complaint must date and sign the complaint. Prisoners must also provide their inmate numbers, present place of confinement, and address.